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Department of Community Development

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01 September 2004

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SUBJECT: HJR153, Underground Placement of Utility Distribution Lines

Dear Sirs:

I am grateful that consideration is finally being given to the underground placement of utility lines, or more correctly requiring that all such utility lines be placed underground. As the 1998 Christmas Eve ice storm and 2003 Hurricane Isabel clearly demonstrated in New Kent County, above-ground utilities fail and restoration is both difficult and labor- and time-intensive. Often, the restoration period exceeds that of mere inconvenience and extends into life-altering or even life-threatening. System reliability is the single most important reason to mandate the underground placement of utility lines and we strongly support any initiatives toward that goal.

Additionally, we believe that above-ground utilities have the following negatives as compared to underground utilities. First, they are dangerous. This includes the potential for electrocution from contact with not only downed electrical wires but also from incidental contact (tree trimming, kites, etc.) with suspended electrical wires as well as the inherent hazard that all of the utility poles along roadways are potential sites for fixed-object crashes. Unlike free-standing light poles, utility poles because of the weight and tension of the wires most often cannot be designed as break-away poles to lessen the severity of crashes. Second, they are in and of themselves manifestly ugly. As rural areas become less rural, the lines of poles become taller and the number and size of arms and pole-mounted transformers and other appurtenances increases to the point where they so strongly stand out on the landscape as to be a substantial eyesore.

In suburban and urban areas, the streetscape is too often entirely dominated by the utility poles and lines. Third, the presence of above-ground utilities contributes to visual blight. Because of the maintenance practices utilized where above-ground utilities are located, the landscape often appears butchered and unappealing as trees and shrubs are lopped and chopped in ways that are injurious to the vegetation as well as often being an intrusion on the property of the adjacent landowner.

In our estimation, the only potential negative to underground utilities that cannot be overcome is the cost of retrofitting an above-ground infrastructure. Albeit more expensive initially, using conduits rather than simple trenching for distribution lines will avoid some of the oft-cited concerns of replacement problems and service interruptions via inadvertent cutting of lines. Requiring the production and filing of "as-built" plans with local governments and "Miss Utility" contractors will overcome the surprise factor of finding utilities outside of their established easements. This most often occurs with electrical lines, but CATV and telephone are also problematic at times.

Our County ordinances contain the following requirements:

(a) All utilities including, but not limited to, wires, cables, pipes, conduits and appurtenant equipment for electric, telephone, gas, cable television or similar services shall be placed underground except, however, the following shall be permitted above ground:

- (1) Electric transmission lines and facilities in excess of fifty (50) kilovolts.
- (2) Equipment, including electric distribution transformers, switch gear, meter pedestals, telephone pedestals, street lighting poles or standards, radio antennae, traffic control devices, and associated equipment which is, in conformance with accepted utility practices, normally installed above ground.
- (3) Meters, service connections and similar equipment normally attached to the outside wall of a customer's premises.
- (4) Temporary above ground facilities required in conjunction with an authorized construction project.

(b) Whenever any existing above-ground utility requires relocation for any reason, it shall be removed and placed underground.

(c) All utilities shall be placed within easements adjacent to public street rights-of-way unless otherwise approved by the agent upon written request from the subdivider for good cause shown.

While this handles new installations with reasonable certainty, it does not address the problem of old lines becoming bigger, taller, and broader. And, if the distribution lines along the way to a development are knocked down by falling trees or crashing cars, it doesn't matter that the development itself has underground wiring.

It is our belief that all overhead telephone and CATV wires, cables or fiber and all electrical wiring under 50kV should be placed underground. First begin with requiring all new wires to be placed underground—this should include not only new service, but new additions to existing pole lines. Then add all relocations of pole lines for whatever reason. As to retrofitting existing overhead wires into an underground network, our suggestion is to largely push that responsibility back onto the utilities themselves. Set a deadline by which all utilities meeting certain criteria (our suggested criteria are all overhead telephone and CATV wires, cables or fiber and all electrical wiring under 50kV) will be placed underground. If the deadline is 10 years, then require that 10% of the system be retrofitted each year. Our suggestion would be to use some measure like "wire miles" where 1 wire running 1 mile would constitute 1 wire mile.

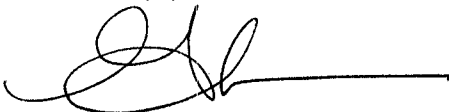
As to the question of how to pay for this, we would encourage your office to look at the balance sheets of the major players—e.g.: Dominion, Verizon, Cox—and recognize that between those 3 alone, there was approximately \$4 billion in net income in the most recent fiscal year. Those income levels suggest that there should be some expectation that the companies themselves can contribute to the funding of infrastructure retrofits. Given that the retrofits will result in newer, more reliable installations, the long term impact on the bottom lines even in fully self-funded would appear to be significantly less than the marginal costs of the new placements. However, given the substantial and general public benefit from this effort, we would suggest a temporary surcharge, handled in a manner similar to the fuel surcharges that Dominion implements, across all customer bills for a defined period to allow cost recovery of one-third of the marginal cost of infrastructure replacement. The remaining two-thirds would be self-funded by the companies as well as returned through cost savings due to increased reliability and lower maintenance costs because of newer infrastructure.

We strongly support having state law mandate the use of underground utilities and the requirements to retrofit existing overhead infrastructure. We ask that localities be given an option to be more restrictive, but only with respect to new utility placements. We do

not believe that local authority currently exists to require removal and replacement of existing overhead utilities except where the facilities have to be moved as part of the development process.

Thank you again for providing this opportunity to comment on this issue of significant importance to New Kent County and other local governments as well as the citizens of Virginia.

Sincerely yours,

A handwritten signature in black ink, appearing to be 'G. Homewood', followed by a horizontal line extending to the right.

George M Homewood, AICP
Director of Community Development